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TO: Attn.: Examiner Joseph L. Perrin FROM: Raiford A. Blackstone, Jr., Reg. No. 25,156

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#### NOTES:

Inventors: McGill et al.  
For: Laundry Machine  
Art Unit: 1746  
Serial No.: 10/692,046  
Filed: October 23, 2003  
Attorney Ref.: 1170/39383B/96B-DIV

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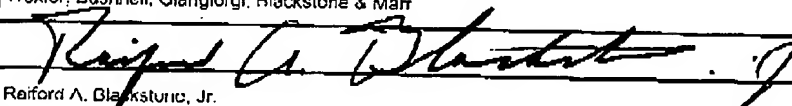
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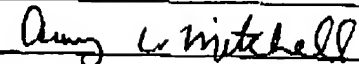
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/852,046
	Filing Date	October 23, 2003
	First Named Inventor	Ian Campbell McGill
	An Unit	174E
	Examiner Name	Joseph L. Perrin
	Attorney Docket Number	1770/393833/068-DIV
Total Number of Pages in This Submission		3

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Firm Name	Trexler, Bushnell, Ciangiorgi, Blackstone & Mann	
Signature		
Printed name	Reiford A. Blackstone, Jr.	
Date	January 14, 2005	Reg. No. 25,156

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Typed or printed name	Amy L. Mitchell	Date January 14, 2005

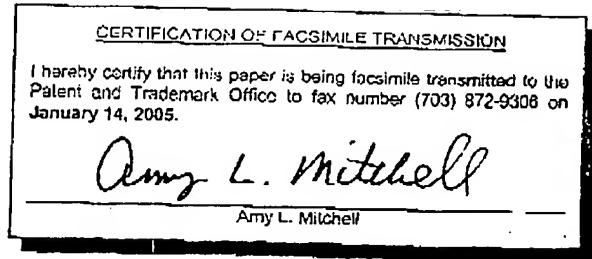
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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT

Serial No.: 10/692,046 )  
Filed: October 23, 2003 )  
For: Laundry Machine )  
Applicants: McGill et al. )  
Examiner: Joseph L. Perrin )  
Art Unit: 1746 )  
Atty. Ref.: 1170/39383B/96B-DIV )

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action Restriction of December 14, 2004, having a shortened statutory period for response set to expire on January 14, 2005, Applicant elects Group I, claims 1-4, 7, 10-11, 14, 17-20, 23, 26-27 & 30 drawn to a method of operating a drain pump with traverse.

The claims of Group I relate to a method of operating a drain pump in a laundry washing machine. The claims of Group II relate to a laundry washing machine including a drain pump operated in accordance with the method defined by the claims of Group I. The Examiner finds that the apparatus claims (i.e. the Group II claims) can be used to practice another and materially

different process, such as a method of washing. Although Applicant agrees that a laundry washing machine can be used to practice a process of washing, the process practiced by the Group U apparatus is not materially different than the process defined by the claims of Group I.

As recognized in *Ex parte Dryssen*, although method claims usually differ somewhat in scope from apparatus claims or at least they set forth the invention in different terms, it is a common practice of the Patent Office to allow method claims in the same application as the apparatus claims so long as the claims relate to the same subject matter of invention. 4 USPQ 338, 339 (Bd. Pat. App. 1930). Furthermore, as recognized in *Ex parte Pratt*, restriction is not required simply because the different claim sets have acquired separate status in the art. 46 USPQ 560, 561 (Bd. Pat. App. 1940). Finally, the Patent Office has held that the classification of patents and inventions is not for the purpose of establishing restriction requirements but for the purpose of searching. *Id.*

In view of the foregoing, Applicant respectfully requests that the requirement be withdrawn and all of the claims be examined.

If the Examiner has any questions regarding this Response to Restriction Requirement, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date:

Jan 14, 2005

By:



Raiford A. Blackstone, Jr. Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

Paige A. Kitzinger, Reg. No. 45,219

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